

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EDWARD ROBINSON, ET AL.,

Plaintiffs,

v.

WELLS FARGO HOME MORTGAGE, ET AL.,

Defendants.

Case No. 16-cv-01619-YGR

**ORDER GRANTING IN PART AND DENYING
IN PART ADMINISTRATIVE MOTION;
SETTING HEARING REGARDING REQUEST
TO WITHDRAW**

Re: Dkt. No. 42

On November 3, 2016, the Court granted defendants' motion to dismiss plaintiff's complaint, granting leave to file an amended complaint by November 24, 2016. (Dkt. No. 38.) On November 22, 2016, plaintiffs filed an administrative motion seeking an extension of time to file an amended complaint, citing as a reason a "breakdown of communications" between plaintiffs and counsel. (Dkt. No. 40.) The Court granted such motion and set December 16, 2016 as the new deadline for the filing of an amended complaint. (Dkt. No. 41.)

On December 10, 2016, plaintiffs filed another administrative motion seeking three more weeks to file an amended complaint, again citing a break in communication. (Dkt. No. 42.) Additionally, plaintiffs' counsel in the same motion requested leave to be relieved as counsel, and has represented that plaintiffs would object to her withdrawal as such. (*Id.*) Defendants oppose granting an extension of time to file an amended complaint. (Dkt. No. 44.) Having carefully considered the papers submitted and for good cause appearing, the Court **ORDERS** as follows:

The Court **DENIES** plaintiffs' counsel's request to withdraw. Counsel must file a proper motion to withdraw her representation by **Tuesday, December 20, 2016**, including a declaration indicating that she has: (1) spoken directly with plaintiffs about their case generally, answering their questions regarding the status of the proceedings; (2) discussed the delivery of any legal files to plaintiffs and other consequences of counsel's withdrawal in this matter; and (3) informed

plaintiffs of the deadlines set forth herein, as well as the date, time, and location of the hearing on counsel's motion to withdraw set forth below. Additionally, counsel must provide the Court with plaintiffs' current address and contact information. Counsel shall also submit proof of service of a notice to plaintiffs stating the effects of a withdrawal of counsel:

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

You will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. **If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.**

If you do not keep the Court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that **may adversely affect your interests or result in your losing your case.**

Any opposition to counsel's motion to withdraw must be filed no later than **January 3, 2017**. A hearing on this motion will be set for **Tuesday, January 10, 2017 at 2:00 p.m.**, in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1. If the motion is opposed, plaintiffs and counsel must appear personally.

The amended complaint shall also be filed no later than **January 3, 2017**.

This terminates Docket Number 42.

IT IS SO ORDERED.

Dated: December 15, 2016



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE